



CHILDREN'S SERVICES
COMPLAINTS AND REPRESENTATIONS
STAFF PROCEDURE

January 2018

This procedure describes the management of feedback in relation to Children's Services, to include enquiries, compliments, complaints and correspondence from MPs and Councillors.

It relates to the Directorate led by Lou Williams and includes Early Help, Children's Centres (run by the LA), SEND Services and Children's Social Care.

It does not include feedback for Adult Services, nor does it include other directorates, such as Learning. The wider systems for such feedback are under review.

Please note all complainants are entitled to request a 3-stage formal complaint process although we would hope to resolve complaints at an early point, wherever possible. This document describes the difference between the corporate and statutory complaint processes, with Early Help following the former and Social Care complaints following the statutory procedure.

A priority for the Customer Care Team is to ensure that the learning from feedback, including complaints, is widely disseminated.

The Customer Care Team produces information for the public as themes arise from complaints and other feedback with a view to clarifying the Council's roles and responsibilities for the benefit of both the public and staff. To date, these have included leaflets on:

- Communication
- Private law – where relationships have broken down between parents
- Child Protection – from investigation through to Conference and the ending of Child Protection Plans
- Looked After Children and Care Proceedings
- Get it Sorted – for young people
- Feedback Leaflet for Children's Services

Customer Care Team

Children's Services Customer Care Team comprises of a full time Customer Care Manager and a full time Business Support Officer, based at Shire Hall. They coordinate and report upon this process.

The contact details for the Team are as follows:

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REPRESENTATIONS

Enquiries

Children and young people who make representations should have their concerns resolved swiftly, and wherever possible, by the people who provide the service locally.

It is expected that most enquiries will be directed to the relevant service provider/allocated workers and that these will not come to the attention of the Customer Care Team. However, occasionally the Team is contacted by a member of the public directly. Contact details are given so the person can reach the member of staff who can best respond to their enquiry.

In some cases, the member of the public is sent details of how to access their records. This may answer their query or may give rise to other questions or to a complaint. There is an online form on the County Council website for further information:

www.cambridgeshire.gov.uk/download/downloads/id/246/access_to_your_information

At times, the Customer Care Team becomes more involved if the member of the public reports difficulties in being able to contact a service/worker or if a response is not being provided. Where the Customer Care Team undertakes a piece of work on behalf of the service user in order to ensure a timely response to an enquiry, they follow up to ensure a reply/resolution has been provided.

In situations where the person repeatedly makes the same comments but is not requesting it to be taken as a complaint and yet not reaching a resolution, the Customer Care Manager has the authority to process the issues through the complaint procedure outlined below.

Compliments

Positive feedback is provided from a range of individuals: from service users to colleagues in another part of the service. All such feedback is welcome, not only because it is something to celebrate but also as it is a source of learning. The compliment is usually sent to the worker or their Manager, who shares it with more Senior Managers. All compliments should be forwarded to and logged by the Customer Care Team.

Anonymised compliments from each service area will be published on the main Cambridgeshire County Council website for members of staff and the public to view. A link to this page will feature in both the quarterly and annual report.

ALL COMPLAINTS

Complaints can be a rich source of information and provide learning about how the County Council's performance is perceived. They should be seen as a useful tool for indicating where services may need improving, not a negative process to apportion blame.

A complaint may generally be defined as an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response. Children and

young people often express complaints as **'problems not being sorted out'**. If in doubt, it may be helpful to clarify with the person whether or not they are seeking to make a complaint and what their expectations are.

People sometimes make representations through the expression of unhappiness or confusion about a service without wishing to raise it as a complaint. In this case, the service should try to resolve/explain the issue locally, outside the complaint procedure.

Please note that there is no informal complaint route for Children's Services. If the person *is* wishing to raise a complaint, then their concern should follow the procedure outlined below. If in doubt about whether something is a complaint or not, contact the Customer Care Team for advice.

Complaints can be made in whatever form the complainant wishes and do not have to be in writing, however, there is an online form on the County Council website:

http://www.cambridgeshire.gov.uk/info/20022/your_council/73/contact_us/5

Complainants often choose to write letters or emails, ring in with their issue or raise them in person. They can also use the Feedback leaflet which has a simple form and freepost address. The leaflet should have been provided at the beginning of a service or intervention but can be provided again on request. It is available in a number of languages and there is also a post card and leaflet for young people.

All members of staff should be prepared to take a complaint as the first 'port of call'. For example, if someone comes to the office or attends a meeting and expresses a wish to make a complaint, whoever receives this information first should take the complaint details.

Key information to be collected is the name and contact details of the complainant, the child/ren involved and the nature of the complaint, ideally identifying what the complainant would like to happen as a result of raising their complaint. The member of staff needs to forward this information to the Customer Care Team ideally in writing as soon as possible, an email will suffice.

If a written complaint is received, irrespective of who the complaint is addressed to, it must be forwarded immediately to the Customer Care Team. This is important as the timescale for a response begins from the date the complaint was received and not from when it reaches the Customer Care Team.

Advocacy

Complainants often find it stressful to make a complaint and may welcome assistance with this. Consideration is given to formal advocacy where the person is entitled to this, for example if they have a mental health diagnosis or a learning disability. Children and Young People should be made aware of how they can make representations and that they do not have to complain to receive advocacy support. Currently all Children and Young People who are Looked After Children (LAC), Children in Need (CIN) or children subject to a Child Protection plan (CP) who wish to make a complaint about Children's Social Care are put in touch with

the National Youth Advocacy Service (NYAS), who will provide them with independent and confidential support through the process if they choose.

What may be complained about?

Section 26 (3) of the Children Act 1989 provides that all functions of the County Council under Part 3 of the Act may form the subject of a complaint, such as:

- An unwelcome or disputed decision;
- Concern about the quality or appropriateness of a service;
- Delay in decision making or provision of services;
- Delivery or non-delivery of services;
- Quantity, frequency, change or cost of a service;
- Attitude or behaviour of staff;
- Application of eligibility and assessment criteria;
- The impact on a child or young person of the application of a County Council policy; and
- Assessment, care management and review.

The Regulations also provide that the following adoption-related functions may also be the subject of a complaint:

- Provision of adoption support services insofar as these enable adoptive children to discuss matters relating to adoption;
- Assessments and related decisions for adoption support services as prescribed in regulation 3 of the Adoption Support Services Regulations 2005
- Placing children for adoption, including parental responsibility and contact issues
- Removal of children who are or may be placed by adoption agencies
- Removal of children in non-agency cases
- Duties on receipt of a notice of intention to adopt
- Duties set out in regulations in respect of:
 - i. a local authority considering adoption for a child
 - ii. a proposed placement of a child with prospective adopters
 - iii. placement and reviews
 - iv. records
 - v. contact; and
 - vi. parental responsibility prior to adoption abroad

Special Guardianship Regulations 2005 came into force on 30 December 2005, under those Regulations the following functions may be the subject of a representation or complaint:

- Financial support for Special Guardians;
- Support groups for children and young people to enable them to discuss matters relating to Special Guardianship;
- Assistance in relation to contact;
- Therapeutic services for children and young people; and

- Assistance to ensure the continuation of the relationship between the child or young person and their Special Guardian or prospective Special Guardian.

Complaints that involve other bodies

Wherever possible, complaints against the County Council will be dealt with through one investigation and response, including complaints that span Adults and Children's Services, or those that involve Children's Services and other agencies, such as Health. However, decisions will be made as to the timeliness of any such joint response and the complainant will be informed if more than one response will be sent.

Complaints that entirely concern other agencies must be dealt with by those agencies and where they relate to independent providers, their own complaint procedure must be followed. Complaints relating to Child Minders, Playgroups and Nurseries should be addressed to Ofsted.

Complaints made on behalf of a child

Where a complaint is received from a representative acting on behalf of a child or young person, the County Council should normally confirm where possible that the child or young person is happy for this to happen and that the complaint submitted, reflects their views.

The County Council is also likely to receive complaints by adults that relate to a child or young person but are not made on the child's behalf. The Children Act 1989 gives discretion to the County Council to decide whether or not the representative is suitable to act in this capacity or has sufficient interest in the child's welfare. If the Customer Care Manager considers that the representative does not have sufficient interest, she should notify the representative in writing, explaining that no further action should be taken. The Customer Care Manager should discuss this decision with relevant operational managers as appropriate.

Data Protection

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 1998 and the Freedom of Information Act 2000. The Records Management Department of the Public Record Office has also developed guidance for Departmental Record Officers (see www.nationalarchives.gov.uk).

Great care is needed with regard to Data Protection, especially where complainants do not have Parental Responsibility for the children on behalf of whom they are complaining.

For example, sometimes complaints are from grandparents. The Customer Care Team clarifies with the complainant whether or not at least one parent with PR is aware of the complaint and it seeks permission of the parent to communicate in detail directly with the grandparent. Where this permission is not given, only very brief information can be shared.

Complaints outside of remit

The complaints procedure does not apply when:

- The complaint is not in regard of the actions or decisions of the County Council, or of anybody acting on its behalf; or
- The same complaint has already been dealt with at all stages of the complaints procedure.

Regulation 8 provides the County Council with discretion in deciding whether to consider complaints where to do so would prejudice any of the following concurrent investigations:

- Court proceedings;
- Tribunals;
- Disciplinary proceedings; or
- Criminal proceedings.

Once the concurrent investigation has concluded, the complainant may resubmit their complaint to the Customer Care Manager for consideration. Only matters which are specifically actions of the County Council and do not relate to these distinct and separate proceedings and their subsequent actions will be considered. If the issue involves a Panel with an appeals process or a Court decision, complaints would not be an additional means to achieve an outcome. The procedure outlined in this guidance is not an appeals procedure. People wishing to appeal against Court Orders should approach the Court.

Particular aspects of a Child Protection Conference – how the conference was run, the decision of the conference of whether to make the child the subject of a Child Protection Plan, or the decision of a Review Conference to continue the Child Protection Plan – are outside of our complaints procedure remit. However, it may be possible to raise such issues with the Child Protection Conference Chairperson, their line manager or directly with the Local Safeguarding Children's Board (LSCB).

We will not normally consider complaints made more than one year after the grounds to make the representation arose (regulation 9). In such cases, the Customer Care Manager will write to advise the complainant that their complaint will not be considered and explain the reasons why this position has been adopted. This response will also advise the complainant of their right to approach the Local Government Ombudsman.

As with freezing decisions, these decisions will be considered on a case by case basis as the time limit may be extended if it would have been unreasonable to expect the complainant to have made the complaint earlier. For example, where the child was not able to make the complaint or did not feel confident in bringing it forward in the year time limit.

Though not exclusive, possible grounds for accepting a complaint made after one year are:

- Genuine issues of vulnerability;
- The County Council believes that there is still benefit to the complainant in proceeding;
- There is likely to be sufficient access to information or individuals involved at the time, to enable an effective and fair investigation to be carried out; and
- Action should be taken in light of human rights-based legislation.

Deferring, freezing or suspending complaints

If the complaint is about a proposed change to a Care Plan, a Placement or a Service, the decision may need to be deferred (suspended) until the complaint is considered. However, care should be taken if deferring a decision is likely to have a significant effect upon the mental or physical wellbeing of a Child or Young Person. The decision to defer should normally be made through detailed discussion and risk assessment between the Customer Care Manager and the manager responsible for the Service, within the context of the work being undertaken with the Child or Young Person. Decisions need to be made on a case-by-case basis, but there should generally be a presumption in favour of suspending, unless there is a good reason against it (for example, if leaving a child or young person where they are would put them at risk). In cases where decisions are met with opposing views, advice should be sought from the Assistant Service Director.

Claims for significant compensation

If, at any Stage, the complainant indicates, or a member of staff discovers, that the complainant is/will be seeking financial compensation, they must immediately notify their Manager who must inform the Customer Care Manager. Failure to do so may nullify the Department's insurance policy. The Customer Care Manager will inform the Council's solicitors and the relevant Senior Manager.

If a complainant seeks only compensation as the result of their complaint, they should be advised to seek legal advice about making a claim against the County Council. The Council can, however consider complaints where its actions (or lack thereof) have resulted in a person not receiving monies they would otherwise have been entitled to (see financial redress).

Redress

Under Section 92 of the Local Government Act 2000, the County Council is empowered to remedy any injustice arising from maladministration.

Remedies will include, but are not restricted to, financial redress.

Each case should be considered on its own merits. Agreed remedies should be implemented reasonably quickly or to take action within a defined framework.

Any application of remedies should:

- be appropriate and proportionate to the injustice
- put the complainant in the position he would have been in except for the fault;
- take into account the complainant's views and desired outcomes; and
- take into account the effect of the complainant's own actions (such as delay on his part).

Financial redress

The County Council may consider financial redress in some situations. Before offering this, the Customer Care Team will need to consult with LGSS Law and the Council's Insurers. The Service Director must authorise any such redress and it should not be suggested to the complainant unless the Director has agreed. Such occasions may include:

- quantifiable loss;
- loss of a non-monetary benefit;
- loss of value;
- lost opportunity;
- distress; and
- time and trouble.

When considering financial redress, the County Council should also consider the following issues:

- whether it is appropriate to offset compensation in instances where the complainant owes money to the Council. This would apply for any costs owed to the Council as a whole, rather than to a single service;
- where the complainant has incurred expenses or suffered financial loss, the Council should consider whether it is appropriate to pay for loss of interest as well. The Local Government Ombudsman recommends the standard rate set by the County Court; and
- it may also be appropriate to calculate a financial remedy as a formula which takes into account all known factors.

The Compensation Act 2006 makes it very clear that "an apology, an offer of treatment or other redress, shall not itself amount to an admission of negligence or breach of statutory duty". <https://apologyclause.com/>

Disciplinary Procedures

Please note that complaints rarely lead to formal disciplinary action against staff although this may be one of the complainant's desired outcomes. If such action is taken, it is not shared with the complainant and is entirely confidential within the County Council.

Complaints procedures should be kept separate from grievance procedures, (which concern staff issues e.g. conditions of service) and disciplinary procedures (which apply to the actions of staff in relation to failures to comply with job descriptions).

Where complaints contain an element of grievance or discipline, the Customer Care Manager will keep the complainant informed about progress in handling both the complaints and the disciplinary or grievance elements as appropriate having regard to staff confidentiality.

Staff can feel confused and intimidated by systems which reinforce an implication of culpability if a member of staff is named in a complaint. In most cases they will have been named because they are the person best known to the user or carer.

The County Council should also make clear to staff (and trades unions and professional associations) that consideration of the complaint is separate to any necessary action under the grievance or disciplinary procedures. Staff should be kept informed of progress of the complaint, but not given any details that would breach confidentiality or work against the child or young person's best interest.

Persistent Complainants

The County Council has a persistent complainants' policy. A meeting is usually offered to such complainants to try to resolve outstanding issues. In all cases, any new correspondence must be read and considered as there may be new matters which require investigation and response.

Features of a "persistent complainant" may include:

- A person who makes the same complaint repeatedly (with minor differences), but never accepts the outcomes;
- A person who seeks an unrealistic outcome and persists until it is reached; or
- A person with a history of making other unreasonably persistent complaints.

Unreasonably persistent complaints

An unreasonably persistent complaint is likely to include some or all of the following:

- An historic and irreversible decision or incident;
- Frequent, lengthy, complicated and stressful contact with the County Council staff;
- The complainant behaving in an aggressive manner to staff or being verbally abusive or threatening;
- The complainant changing aspects of the complaint partway through the investigation or Review Panel;
- The complainant making and breaking contact with the County Council on an ongoing basis; and
- The complainant persistently approaching the County Council through different routes about the same issue in the hope of getting different responses.

There are a number of principles that the Council can apply. The most important being that the complainant receives the same standard of response as any other service user, and that the Council can show that it has not discriminated against the persistent complainant.

If the situation is challenging but it is possible to proceed, staff should avoid giving unrealistic expectations on the outcome of the complaint.

Where the relationship becomes unworkable, the Customer Care Manager should ensure that they demonstrate that their complaint has been fully considered. This should normally be through advising the complainant that:

- They may not constitute a person who can complain and/or that their complaints do not fall within the relevant criteria for what may be complained about;
- The Council has either offered or provided consideration of the issues through another procedure;
- The Council will consider the substantive issues at all stages of the complaints procedure; or
- The matters raised are not sufficiently different to justify being considered as a new complaint.

Where the County Council has attempted to move the complaint on to the next stage but the complainant has either refused or delayed such progression through excessive objection to the process rather than addressing the substantive issues of the complaint themselves, the County Council should advise the complainant that this is causing delay and is unreasonable use of the complaints procedure.

In some instances, abusive, threatening or other unreasonable behaviour may be a feature of the complainant's disease or mental illness. In such cases, if possible, the County Council should consider securing a whole case review from all professionals involved, and should refer to the Mental Capacity Act 2005.

In all cases where the Customer Care Manager decides to treat someone as an unreasonably persistent complainant, they should write to tell the complainant why they believe their behaviour falls into that category, what action they are taking and the duration of that action. The Customer Care Manager should also inform the complainant how they can challenge the decision if they disagree with it (this should normally include information regarding the Local Government Ombudsman). Where a complainant's complaint is closed and they persists in communicating about it, the Customer Care Manager may decide to terminate contact with that complainant.

The sort of restrictions imposed could include:

- Restricting telephone calls to specified days and limited times
- Limiting contacts to one form only (for example, a maximum of one letter or email a week)
- Requiring contact to take place with one named staff member
- Requiring the complainant to enter into an agreement about their future behaviour before their case proceeds, and/or
- Managing contact with the help of an independent advocate.

Other suitable options will be considered in the light of the complainant's circumstances. Our objective, wherever possible, is to complete consideration of the complaint on its merits in a managed way.

If the complaint is still under consideration six months later, we will review whether the restrictions imposed are still necessary and should remain.

If a complainant continues to behave unreasonably, or overrides the restrictions placed on access to our service, we may decide to terminate contact with them and end any investigation into their complaint.

New complaints from people whose behaviour has previously been deemed unreasonable will be treated on their merits. Restrictions imposed in respect of an earlier complaint will not automatically apply to a new matter.

Withdrawing a complaint

A complaint may be withdrawn verbally or in writing at any time by the complainant (regulation 7). In such circumstances, the Customer Care Manager must write to the complainant to confirm the withdrawal of the complaint. The County Council may still decide whether or not to continue considering the issues that gave rise to the complaint through an internal management review. The Council should then use any findings to learn lessons from and consider the need for any subsequent actions in the services it delivers.

Should the complainant then seek to reinstate the complaint, the County Council could use the review to produce a response as necessary.

Record Keeping

National guidance, *'Getting the best from complaints'* says:

'Records of complaints, any investigation reports, Panel reports and letters of response from the Local Authority should be placed on the relevant Service User's file, unless there are specific reasons not to do so (for example, if the reports would cause distress to the child). Those involved in the investigation should have access to notes of their own interview in order to confirm the accuracy of the content. The investigation report and all other relevant papers should be held by the Complaints Manager in a separate complaints file.'

Information of the above nature is kept on the child's main electronic file in a folder labelled 'complaints'. No information about any disciplinary action should ever be kept in this folder.

3 STAGE COMPLAINT PROCEDURE

All complainants have the right to a 3-Stage complaint procedure. Complaints against Children's Social Care are subject to Statutory Regulations* and Guidance** and involve external scrutiny at Stages 2 and 3. All other complaints are dealt with under the Local Authority's corporate complaint procedure, with all 3 Stages being internal. See below for more information.

Stage 1 Complaints, Local Resolution – Statutory and Corporate

The Customer Care Team is central to the management of all complaints relating to Children's Services.

Complaints Process – See Appendix 1

The Customer Care Team logs the complaint, undertakes some background checks (for example looking at electronic records, talking to the service or speaking to the complainant to clarify the complaint) and identifies the Manager closest to the complaint to prepare the Stage 1 complaint response. The regulations require the County Council to attempt to resolve complaints and address representations as soon as reasonably practicable and within specific timescales.

Attempts at resolution should not end once a complaint has been made, rather, there should be continued efforts to resolve the dissatisfaction of the complainant where possible. In each case, resolution should be in the best interest of the child concerned, particularly if an adult has complained about the Children's Services, but not on the child's behalf.

The Customer Care Team also takes the following actions:

1. Sends a letter of acknowledgement to the complainant within 3 working days, giving the name of the Manager who will be responding and giving the due date by which a response will be posted (on or before the 10th working day from receipt. The date of receipt is counted as day zero). (The complainant is informed if the Statutory or Corporate Complaint Procedure is to be followed and is sent the Feedback leaflet which identifies the difference between the two).
2. Sends an Outlook calendar reminder to the Manager responding to the complaint.
3. Places the complaint onto a single Excel spreadsheet which is circulated to all Managers on a weekly basis.

* The Local Authority Social Services Act (1970) and the Children Act 1989 Representations Procedure (England), Regulations 2006, set out the rules by which we manage feedback.

** 'Getting the Best from Complaints – Social Care Complaints and Representations for Children, Young People and Others – department for education and skills (2006)

4. Prompts Managers as the due date approaches.
5. Sends out a holding letter within the original 10 working days if notified of unavoidable delay (maximum 20 working days from receipt).
6. The Customer Care Manager checks all draft complaint responses before they are sent out by the responding Manager, ensuring the letter includes a standard final paragraph and that it is sent with a feedback form, to be returned by the complainant within 20 working days.
7. The Customer Care Manager decides whether or not the complaint is upheld, partially upheld or not upheld, and also takes the learning from the complaint for reports and staff briefings.
8. The Customer Care Manager will raise any urgent issues about practice as soon as these become apparent.
9. Follows up on any actions promised to ensure these have taken place.
10. Closes the complaint on the spreadsheet – pending any further contact from the complainant.

Responding Manager

1. Checks the complaint as soon as it is received to ensure s/he is the best person to respond and plans an investigation, including who to speak to.
2. Alerts the Customer Care Team if there is likely to be any delay (an extension up to a maximum of 20 working days can be given but should not be requested unless unavoidable).
3. Where appropriate, they should discuss the issue with the complainant, exchange information and thinking behind decisions, attempting to resolve issues raised as quickly as possible, and to agree a way forward.
4. Liaises with any other relevant Managers in order to cover all the points in a single complaint response.
5. Writes the draft response as soon as possible – not waiting until the 10 day deadline.
6. Sends the draft response to the Customer Care Manager for approval no later than 1 day before the deadline date.
7. Sends out the final response by first class post, with the feedback form.
8. Notifies the Customer Care Team of the date posted, and sends a copy of the final version sent.
9. Places a record on the child's file which includes the complaint and the final response. Currently the main correspondence is kept on the child's electronic file and a case note is placed on ICS. (see section on Record Keeping below)

The regulations place a duty on the County Council to act expeditiously through the procedure; this is to ensure that the complaint is dealt with as swiftly as possible.

Where a complaint is accepted at Stage 1, the complainant is entitled to request their complaint be considered for escalation through the three stage process if they remain dissatisfied with the response and/or their desired outcome has not been addressed.

The complainant retains the right to approach the Local Government Ombudsman at any time. However, the Ombudsman would ordinarily expect the County Council to consider the

complaint initially and may refer the complaint back to the Customer Care Manager if this has not been done.

Dissatisfaction with Stage 1 – All complaints

If the complainant remains unhappy, they sometimes return the feedback form to the Customer Care Team, or they contact the Team by some other means. Occasionally they contact the responding Manager. In all cases, the Customer Care Team needs to be alerted and efforts made to find a satisfactory resolution. This may include a face-to-face meeting with the complainant. The complainant is welcome to bring a supporter with them to any meetings to try to resolve the issues raised. All such meetings should be followed up with a letter covering the main points and any planned actions.

If the complainant remains dissatisfied after further attempts at resolution, or insists on progressing to the next Stage immediately, their request must be considered and responded to by the Customer Care Manager. The process for Stages 2 and 3 is different depending on whether the complaint is dealt with through the Corporate (Early Help) or Statutory (Children's Social Care) procedure. In all cases, Stages 2 and 3 are coordinated by the Customer Care Team. The Customer Care Team invites the complainant to provide feedback within 20 working days of receipt of their initial Stage 1 response should they wish to escalate their complaint, so that momentum is not lost, however, requests will be accepted up to one year after the Stage 1 response has been sent.

The Local Government Ombudsman is clear that complainants have the right to progress through the entire complaints process and that a request for Stage 2 or 3 should not be refused without due consideration and written explanation. An exception to this would be if the complaint was upheld in its entirety at Stage 1.

Stage 2 – Corporate Complaints

Where the complainant's wish to progress their complaint to Stage 2 is accepted, it is passed by the Customer Care Team to a Manager with greater seniority than the responding Manager from Stage 1. For example, if the complaint was originally dealt with by a District Early Help Manager, it would be dealt with by the responsible Head of Service (Early Help) at Stage 2.

Together with the request for Stage 2, the Customer Care Team passes the original complaint and response to the relevant Senior Manager. The Customer Care Team write to the complainant within 3 working days to say which Senior Manager is involved and give a due date for a response, 10 working days from agreement to go to Stage 2 (or 20 working days in complex cases). As previously, the Customer Care Team keeps track of the due date; sending a calendar invitation to the Senior Manager and providing a prompt as the due date approaches.

The draft Stage 2 response is sent to the Customer Care Manager no later than 1 working day before the deadline date for checking and is then returned to the Senior Manager to send out to the complainant. A copy of the final version and confirmation of date posted is sent to the Customer Care Team.

Dissatisfaction with outcome of Stage 2 – Corporate Complaints

As with earlier dissatisfaction, the Customer Care Team, together with the Manager, will attempt to find a resolution to any ongoing dissatisfaction prior to offering Stage 3.

Stage 3 – Corporate Complaints

If the complainant wishes to proceed to Stage 3, they may ask the Chief Executive to review their case. Such requests should be forwarded to the Customer Care Team who is responsible for acknowledging the request within 3 working days, providing relevant paperwork to the Director of Corporate and Customer Services, who co-ordinates the review on behalf of the Chief Executive. The process is a review of the first two stages to ensure thoroughness, fairness and transparency. The outcome should be shared within 10 working days (or 20 working days for complex cases).

The Customer Care Team keeps a copy of the final letter that is sent to the complainant.

This is the final Stage in the Corporate Complaint Process. As with Stage 1, the Customer Care Team keeps a record of the Stage 2 and 3 responses on its Excel spreadsheet. The Customer Care Manager determines whether any aspect is upheld and notes the relevant learning for inclusion in future reports and staff briefing sessions.

Stage 2 – Statutory Complaints – Children’s Social Care

Please note that the Customer Care Manager has discretion to pass complaints directly to Stage 2. This is rare but sometimes takes place where the situation is particularly complex.

This Stage involves the appointment of two independent people to investigate the complaint. The Customer Care Team has a bank of such people who have a range of relevant backgrounds. They have all been DBS checked and are taken on for single pieces of work for which they are paid an hourly rate. There is a lead Investigating Officer (IO) and a second Independent Person (IP). The latter ensures that the investigation is thorough and fair. The IP has the additional responsibility of keeping the child’s best interests in mind.

With the complainant’s written permission, the independent people meet the complainant to draw up a Schedule of Complaint (SOC) to clarify the areas of complaint which are unresolved from Stage 1 and to establish the complainant’s desired outcomes. Once the SOC has been agreed and is signed, the investigators read the relevant files and interview staff, including any who have left the authority (providing contact details are available). The SOC is sent in advance to all those who will be interviewed so they can prepare for the interview meeting.

The IO and IP should have access to all relevant records and staff. These should be released within the bounds of normal confidentiality and with regard to relevant legislation in the Freedom of Information Act, 2000 and the Data Protection Act, 1998 (i.e. the exception being of Court paperwork, for which Court permission would be required). They are assisted by

Business Support in accessing the records and are permitted to take away copies of relevant documents.

The Investigating Officer writes the main report, including findings and recommendations, and the Independent Person writes a shorter supplementary report. (Occasionally, there is a confidential report separate from those intended for the complainant, if the IO wishes to comment on practice more broadly.)

Both reports are checked by the Customer Care Manager and are forwarded to the Adjudication Officer, in Cambridgeshire this is the Assistant Director of Children's Social Care. The Adjudicating Officer will prepare a response to the reports, with their decision on the complaint, and actions they will be taking with timescales for implementation – this is the adjudication.

The Adjudicating Officer may wish to meet the Child or Young Person as part of the adjudication process or afterwards to explain the details of the adjudication i.e. the outcome of the complaint and any actions that they are proposing.

This response must contain details of the complainant's right to have the complaint submitted to a Review Panel if he is dissatisfied and that he has 20 working days to make this request to the County Council / Customer Care Manager (regulation 17(8)).

The Adjudicating Officer should ensure that any recommendations contained in the response are implemented. The Customer Care Manager should monitor implementation and report to the Assistant Director on what action has been taken on a regular basis.

The reports and 'letter of adjudication' are sent to the complainant and are also sent to the relevant Head of Service and District Safeguarding Manager/Team Manager. They will share with staff either in person or by forwarding the documents by email.

Timescales with Stage 2 Statutory Complaints

1. Complainant is advised to respond within 20 working days from receipt of the Stage 1 response if they wish to request their complaint be considered at Stage 2.
2. Once the Schedule of Complaint is signed, the independent people have 25 working days in which to complete their investigation (can be extended to up to a maximum of 65 working days).
3. The Adjudicating Officer, has a maximum of 20 working days following completion of the investigation in which to consider the reports and send out the 'letter of adjudication'.

Dissatisfaction with outcome of Stage 2 – Statutory Complaints

As with all expressions of dissatisfaction, the Customer Care Team, together with the Manager, will attempt to find a resolution to any unresolved issues prior to offering Stage 3.

The Complaints Manager should assess requests for the Review Panel as they are presented on a case by case basis.

Further consideration of the complaint can include, in a limited number of cases, early referral to the Local Government Ombudsman (see Annex 3). Otherwise, the complainant retains the right to proceed to a Review Panel.

Stage 3 – Statutory Complaints – Children’s Social Care

Unlike Stages 1 and 2, Stage 3 of the Statutory Complaint Procedure is not another investigation. It is a Panel of 3 independent people, not previously involved with the complaint, who consider if the complaint was properly investigated and whether there should have been different or additional findings and recommendations.

Purpose of Review Panels

Review Panels are designed to:

- listen to all parties;
- consider the adequacy of the Stage 2 investigation;
- obtain any further information and advice that may help resolve the complaint to all parties’ satisfaction;
- focus on achieving resolution for the complainant by addressing their clearly defined complaints and desired outcomes;
- reach findings on each of the complaints being reviewed;
- make recommendations that provide practical remedies and creative solutions to complex situations;
- support local solutions where the opportunity for resolution between the complainant and the County Council exist;
- identify any consequent injustice to the complainant where complaints are upheld, and to recommend appropriate redress; and recommend any service improvements for action by the Council.

The Review Panel should not reinvestigate the complaints, nor should it be able to consider any substantively new complaints that have not been considered first at Stage 2.

Ideally, no party should feel the need to be represented by lawyers at the Review Panel. The purpose of the Panel is to consider the complaint and wherever possible, work towards a resolution. It is not a quasi-judicial process and the presence of lawyers can work against the spirit of openness and problem-solving. However, the complainant has the right to bring a representative to speak on his behalf.

The Panel takes place following the sharing of written information between all those who attend on the day. This comprises:

- Any explanation from the complainant about the issues that continue to be unresolved and what the complainant wants as an outcome.
- The original complaint and response.

- The Stage 2 request, Schedule of Complaint, Stage 2 reports and 'letter of adjudication'.

These documents are circulated no less than 10 working days in advance of the Panel meeting.

Those attending the meeting include:

- The complainant(s) and a supporter (if wanted)
- The Assistant Service Director
- The relevant Head of Service
- The Investigating Officer from Stage 2
- The Independent Person from Stage 2
- The Customer Care Manager
- A note taker – there are no minutes – notes are for the Panel only
- The 3 Panel Members

The open Panel Meeting with all the above tends to take place over 2-3 hours, after which the Panel Members meet in closed session, with the Customer Care Manager and note taker present to provide advice but not to participate in the decision-making. This closed session takes place on the same day, after which the Panel Chair draws up the Panel findings in consultation with the other Panel Members and forwards this to the Customer Care Manager. The findings, including Panel recommendations, are sent at the same time to the Service Director, and also to those who attended the Panel Meeting including the complainant.

The Service Director writes to the complainant with their response to the Panel findings.

Timescales with Stage 3 Statutory complaints

Complainant has 20 working days to request a Stage 3 Panel from receiving the Stage 2 reports and 'letter of adjudication' or within 20 working days of any resolution meeting.

1. The Customer Care Team should appoint the Panel within 10 working days and hold the Panel within 30 working days of receipt of request for Stage 3, although this is dependent on the availability of all the key participants.
2. The Panel Chair must produce the Panel findings within 5 working days of the panel.
3. The Service Director must write to the complainant within 15 working days of receipt of the Panel findings.

This is the final Stage in the Statutory Complaint Process. As with Stage 1, the Customer Care Team keeps a record of all Stage 2 and 3 investigations on its Excel spreadsheet. The Customer Care Manager determines whether any aspect is upheld and notes the relevant learning for inclusion in future reports and staff briefing sessions.

The complainant should be advised of his right to refer his complaints (if still dissatisfied after all three stages) to the Local Government Ombudsman (regulation 20(3)).

All Complaints - The Local Government Ombudsman

The LGO can be approached by complainants at any point during the complaint process but the complainant will usually be re-directed to the Local Authority for it to complete all 3 Stages of its complaint procedure. The LGO conducts an initial triage of complaints and will seek brief information prior to any full investigation. The LGO liaises with Democratic Services within the County Council, who in turn liaise with the Customer Care Team. Correspondence usually goes out in the name of the Chief Executive.

The LGO looks to see if there has been maladministration and it makes recommendations to the Local Authority where it feels this has been the case.

MPs and Councillors

MPs and Councillors usually write to Senior Managers for a response on behalf of their constituents. These are treated as enquiries rather than complaints but are dealt with within the same timescale as a complaint, i.e. within a maximum 10 working days from the date of receipt (which can be extended to 20 working days in complex cases).

All such correspondence, where it relates to individual children and families, is acknowledged by one of the PA team and is passed directly to the Customer Care Team to coordinate a response. This is very important as there may already be correspondence dealing with the issues raised or, following the response to the MP or Councillor, a complaint may be raised.

The Customer Care Team undertakes some brief background research and then forwards the enquiry to the Manager closest to the case to draft a response as soon as possible. The appropriate blank letterhead will be sent to the responding Manager at the same time as the original MP/Councillor's enquiry.

PLEASE NOTE: The response needs to go through a number of managers for review before it is ultimately sent out from the Service Director. It is therefore imperative that the initial draft is written quickly and sent to the Customer Care Team.

The most appropriate Manager to draft the response is likely to be the District Safeguarding/Team Manager or Early Help Manager or their equivalent in SEND/START with assistance from relevant front line staff. The draft is returned to the Customer Care Manager for checking.

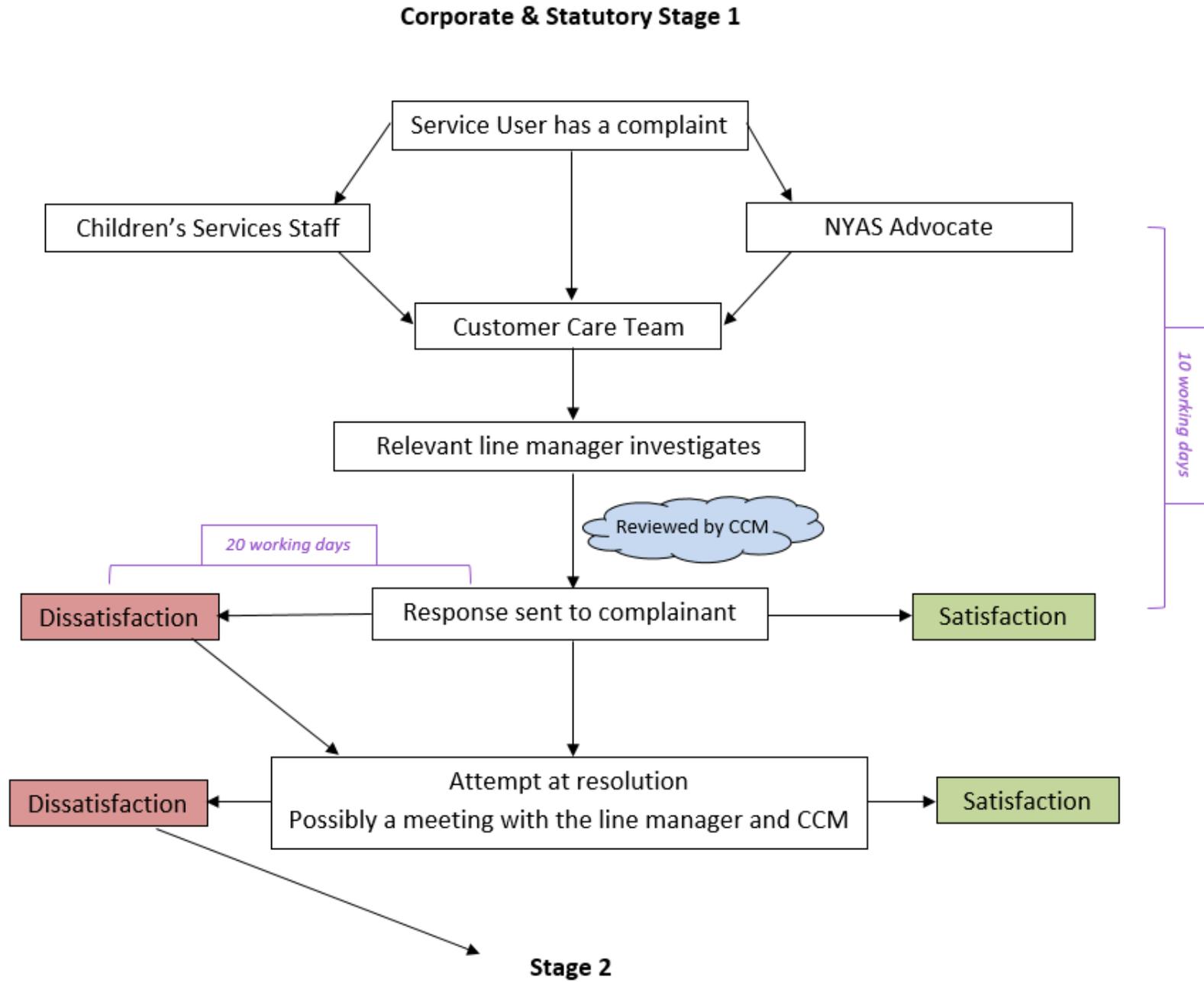
Draft responses are sent on from the Customer Care Manager to the relevant Head of Service, who then forwards the draft to the Service Director to agree and send out.

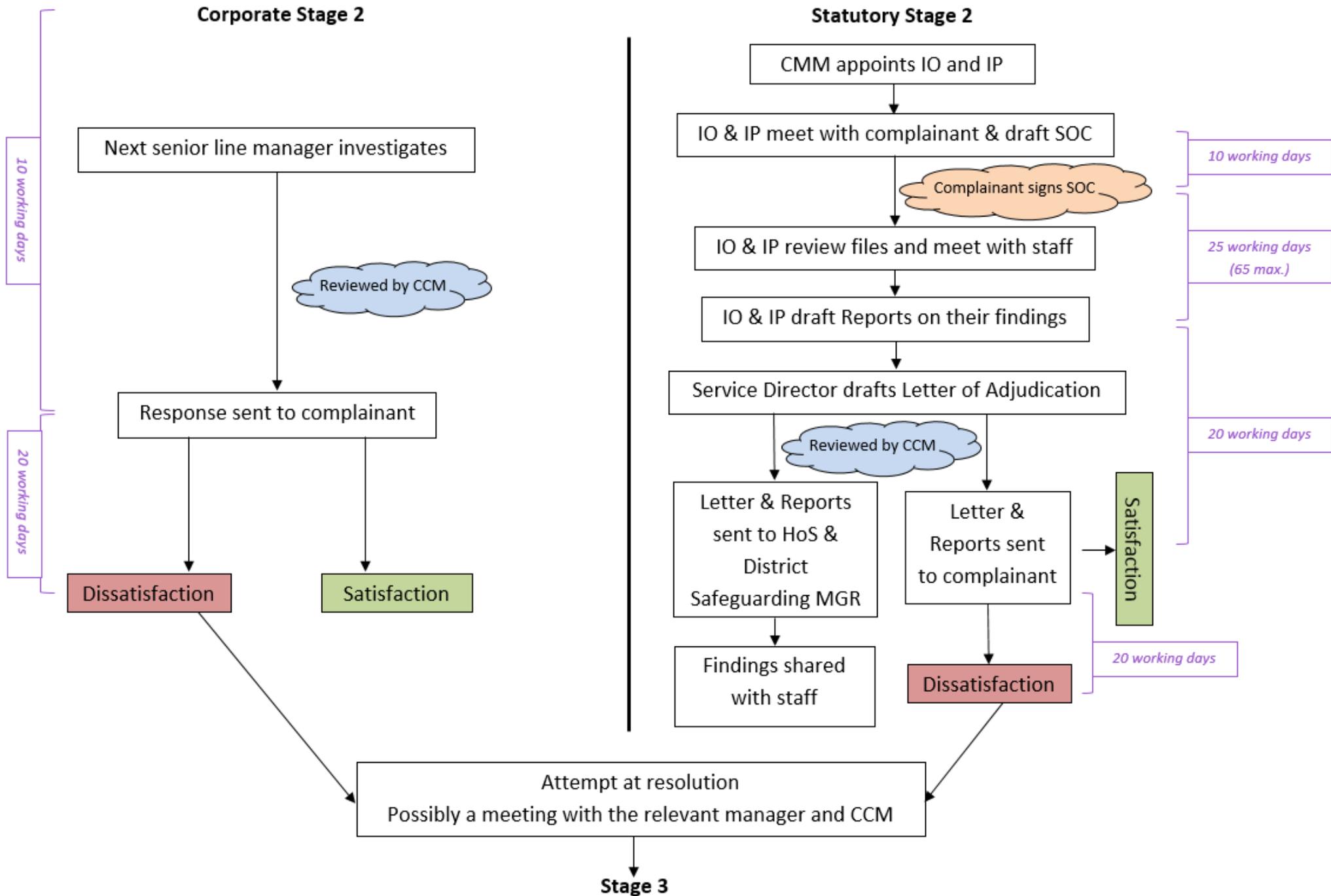
It is expected that any correspondence to MPs and Councillors will be shared with their constituents and therefore letters should be written with that in mind. Detailed information about the case should not be contained within MP/Councillor responses.

Final copies of such correspondence are kept by the Service Director and also by the Customer Care Team.

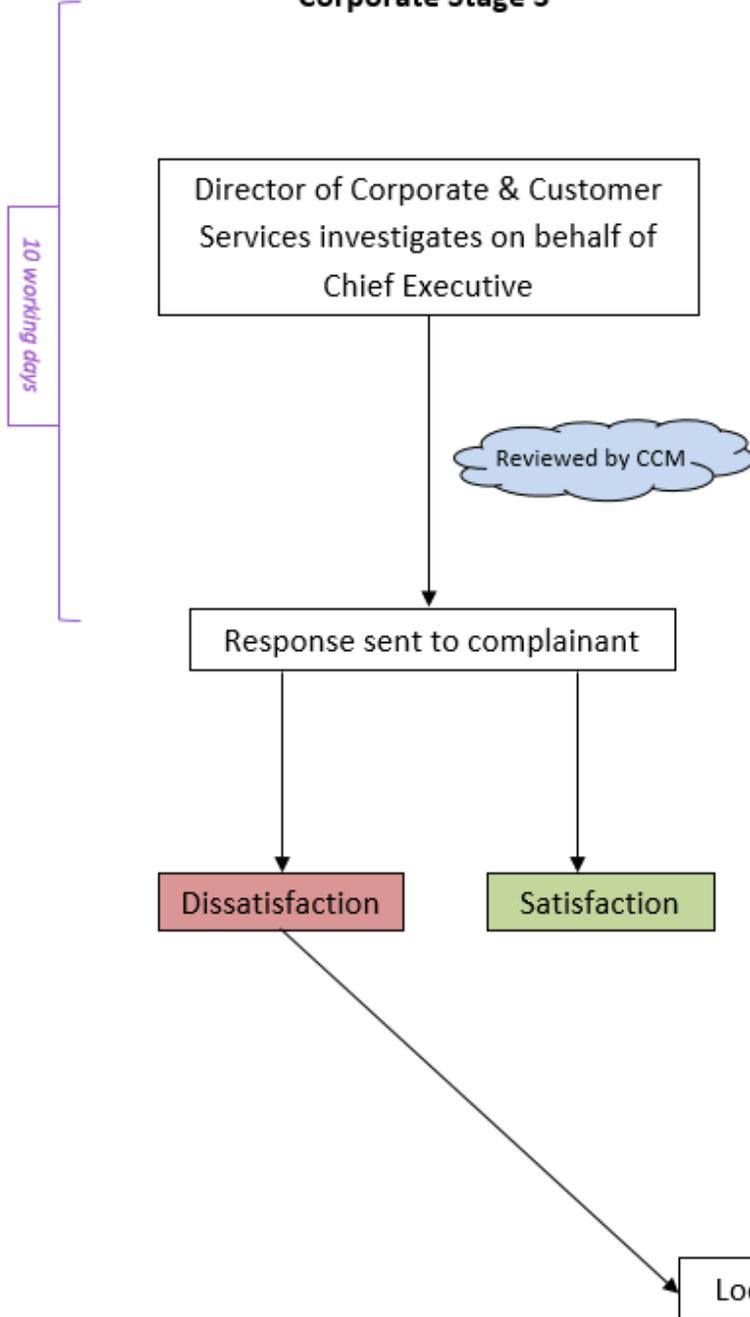
Direct Contact with MPs and Councillors

Occasionally, front line staff are contacted directly by telephone or email by an MP's office or by a Councillor. Staff are asked to take details of the issues raised and explain that these will be forwarded to the Customer Care Team who will arrange for a response to be sent through the usual channels. Staff are asked not to provide responses directly, even when these may appear to be relatively straightforward.

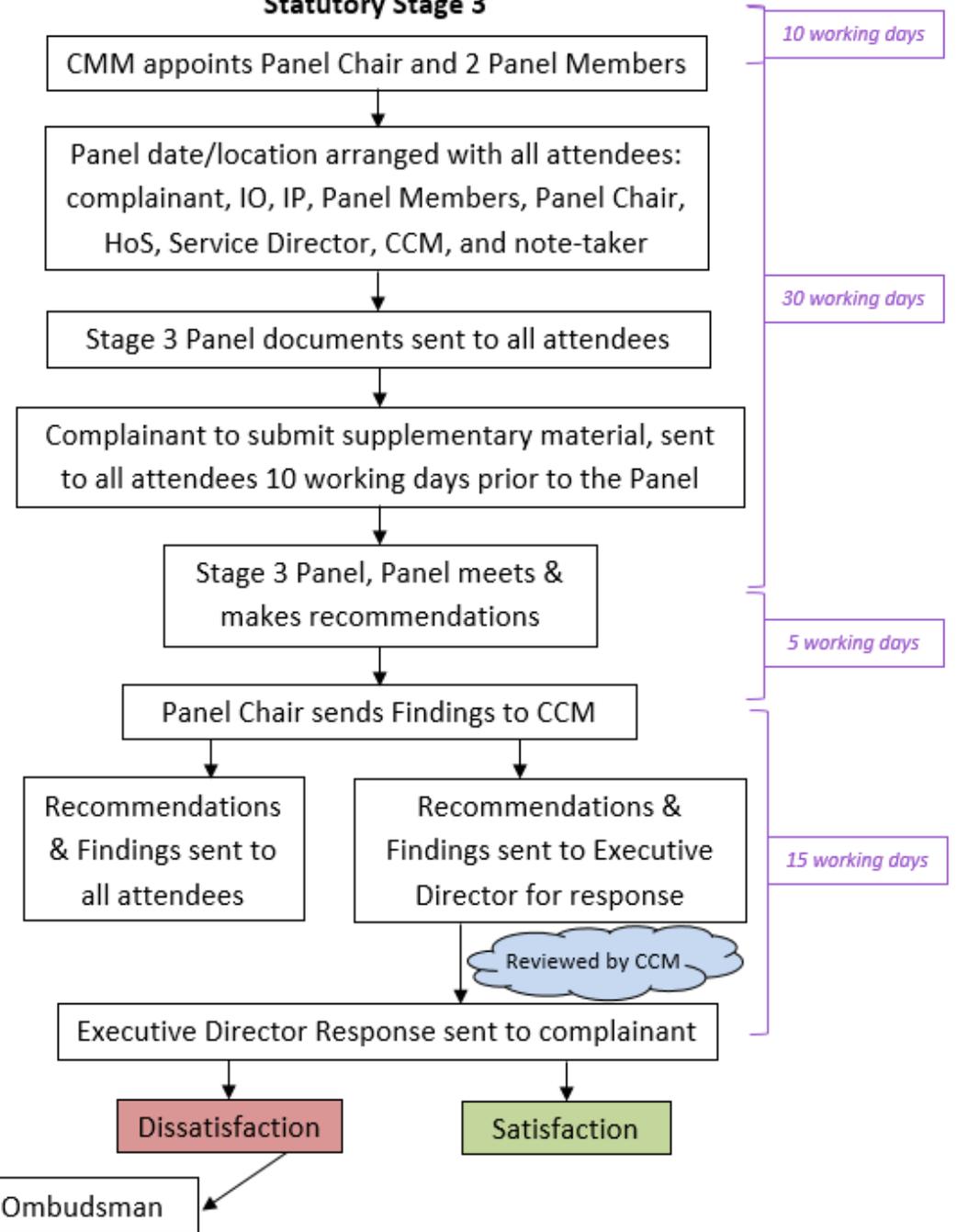




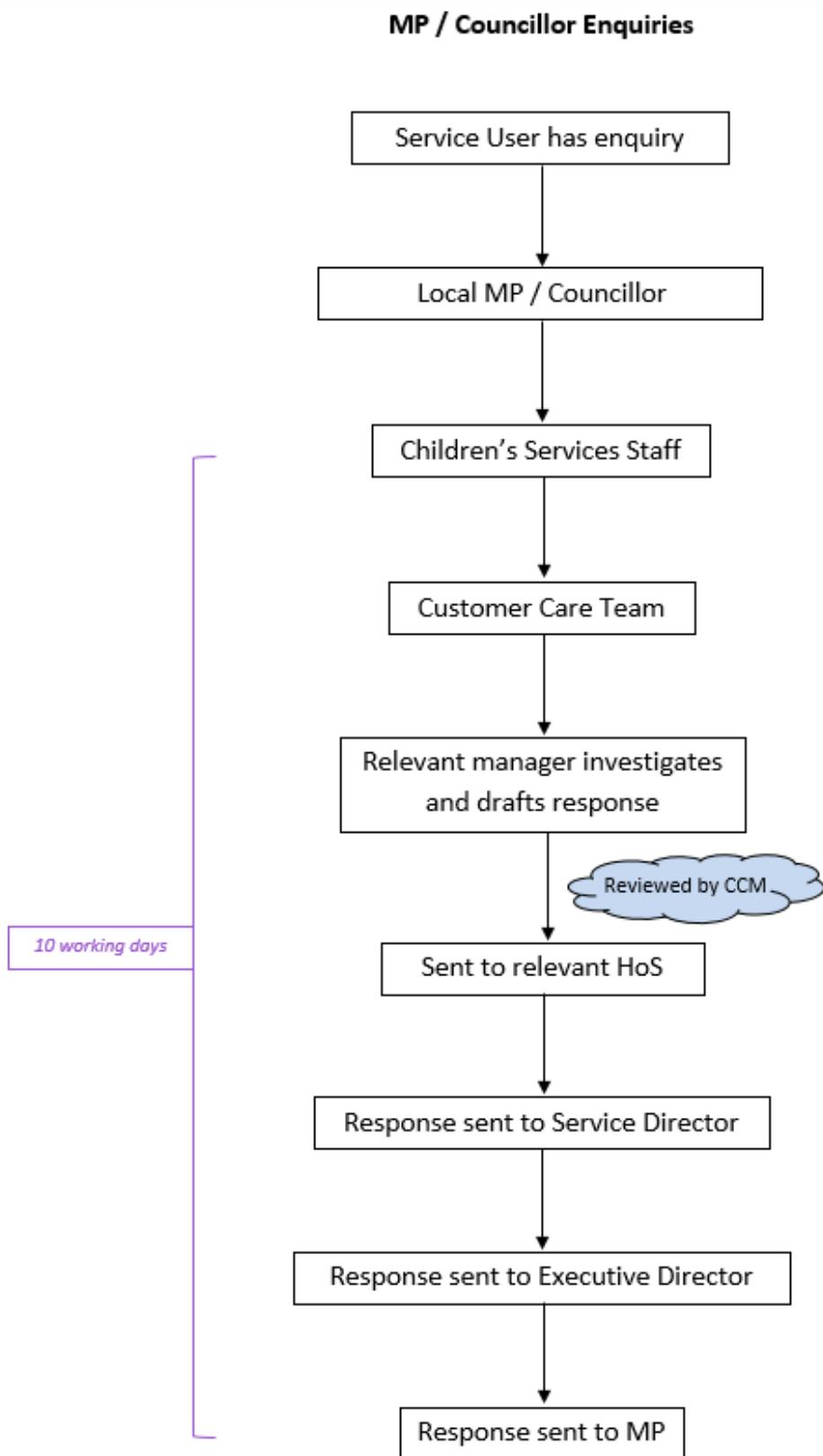
Corporate Stage 3



Statutory Stage 3



Appendix 2 - Flow chart for MPs and Councillors



Appendix 3 - Counting Complaints

This Appendix aims to explain how complaints are counted and how outcomes are decided.

It is rare that complaints contain only one issue and it is often the case that the issues are not very clear, making it difficult to count them separately or to compare them easily with other complaints. Nevertheless, themes and learning are taken very seriously.

The following gives examples from Children's Social Care but the principles apply equally to Corporate Complaints.

At Stage 1, a complaint is counted as one, even if it contains more than one issue. For example, a parent may ring to say that she is dissatisfied with how a Social Worker spoke to her on a first visit, factual inaccuracies in a report, and the late arrival of minutes of a meeting. Each of these will be investigated and a single response will be sent. If the same parent rings again while the complaint investigation is ongoing, to say that the Social Worker also failed to show his ID card, this will be added to the same complaint. Once the complaint has been investigated and a response sent, any new complaint will be counted separately.

In the above example, there may be no witness to the visit and it may not be possible to 'determine' whether or not the Social Worker showed his ID card, or if he was rude. Where it is one person's word against another's, the outcome of those aspects is that they 'cannot be determined' either way. If, having checked available information, there is evidence to support the content of the report, the complaint that the report contains factual inaccuracies will not be 'upheld'. Finally, if the minutes were late, i.e. more than 10 working days after the event, that aspect will be 'upheld'.

Overall, this complaint would be deemed to be 'partially upheld' as one aspect was upheld. Even where more aspects are 'not upheld' than are 'upheld', the complaint will still be deemed to be 'partially upheld'.

The Customer Care Manager, who has no line management involvement with the cases that are complained about, makes the final decision as to whether or not a complaint is upheld.

At Stage 2 of the Statutory Complaint Procedure (concerning Children's Social Care), the two Independent Investigators meet with the complainant to go through which aspects of the original complaint continue to cause concern. These are usually the aspects which were 'not determined' or 'not upheld' at Stage 1. The Investigators draw up a 'Schedule of Complaint' with the complainant, which the complainant signs only when she is happy that this is an accurate reflection of her views. This can contain a list of issues. Each of these is investigated and a finding (of 'upheld', 'partially upheld', 'not upheld' or 'cannot be determined') is reached against each one.

The complainant receives copies of both Investigation Reports in full, together with a letter from the Assistant Service Director. There is no County Council involvement in the making or altering of the Stage 2 outcomes.

Each Stage 2 investigation is counted as one investigation and is not counted as a number of separate complaints. Similarly, each Stage 3 Panel is counted as one. The number of Stage 2 investigations and Stage 3 Panels is reported upon within in-house and public reports.

At Stage 3 of the Statutory Procedure, the complainant notifies the Independent Panel in advance of the Panel Meeting as to which complaints continue to be unresolved and these are discussed. While a Stage 3 Panel is not a new investigation, the Panel will, nevertheless comment on whether it agrees with previous findings or not. The Panel findings are sent to the complainant at the same time as they are sent to the Service Director. The Service Director also writes directly to the complainant.

Guidelines for writing a response

1. Read the complaint thoroughly, making a note of each issue raised.
2. Number issues in the order they appear in the complaint.
3. Identify the outcomes expected by the complainant.

If it is unclear what the issues are or what the complainant wants as a result of their complaint, contact the complainant as soon as possible to clarify. This will help to ensure that your response is as effective as possible which saves time in the long run.

4. Note possible responses/queries against each issue, including how, and from where you will obtain the relevant information/evidence.
5. Undertake your investigation (i.e. gather the relevant information and evidence).

Information used in responses should be supported by specific details (e.g. names, dates, details of where evidence has been/can be found). In the event that there is no specific evidence available, an explanation must be given regarding the information upon which your response is based.

6. Begin drafting your response using the following suggested template as a guide;

Dear [insert name]

RE: Complaint regarding [insert subject of complaint]

Thank you for your letter dated [Insert date], received [insert date] in which you raise concerns regarding [insert brief description of complaint OR 'the above']. As the [insert job role] responsible for [insert team/service] I have undertaken an investigation and am able to respond to the concerns raised, in the order in which they appear in your correspondence, as follows;

- i. State the first key issue raised in the complaints correspondence, using words expressed by the complainant wherever possible.

State your response to this issue including;

- b. What you have done as part of your investigations (e.g. the files reviewed, people spoken to, when, where, how?).
- c. What are your findings?
- d. What is your conclusion?
- e. Offer apologies where appropriate.
- f. Have you identified any further action that will be taken as a result of your investigation? If so, who will take this forward and when?

- ii. State the second key issue raised in the complaints correspondence, using words expressed by the complainant wherever possible.

State your response to this issue including;

- g. What you have done as part of your investigations (e.g. the files reviewed, people spoken to, when, where, how?).
- h. What are your findings?
- i. What is your conclusion?
- j. Have you identified any further action that will be taken as a result of your investigation? If so, who will take this forward and when?

Continue in this manner until each issue has been responded to.

iii. Include a paragraph which acknowledges the complainant's concerns, reiterates any apology given, and gives them the opportunity to contact you/a member of the team if they have any further queries regarding your response. Offer reassurance that the matter has been taken seriously and that Cambridgeshire County Council are committed to learning from and improving as the result of complaints.

- iv. Close the letter with a paragraph along the lines of;

I have included a feedback form for your attention and would welcome your comments. If we do not hear from you within 20 working days we will assume that you are satisfied with the response given.

Yours sincerely...

- v. Once completed, send your draft to the Customer Care Manager (and your own Manager if you choose) for comment.

Please note that the draft response should be finalised and circulated for comment at least three working days before the due date, so that amendments can be made and the final response agreed within the required timeframe.

- vi. Enclose a SOC1014 feedback form with the response before posting. Ensure the form is addressed to the Customer Care Manager directly (Box SH1215).
- vii. Send a copy of the posted response to The Customer Care Team for their files.
- viii. Notify the Customer Care Team of any further contact with the complainant regarding their complaint.

Appendix 4 – Contact Details

CAMBRIDGESHIRE COUNTY COUNCIL

Customer Care Team – Children’s Services

FREEPOST Box SH1215
Shire Hall
Cambridge
CB3 0AP

Telephone: 01223 699 664 **or** 01223 714 765 **or** 03450 455 203
Email: Childrens.ServicesFeedback@Cambridgeshire.gov.uk
Text: 07795 092 404
Website: <http://www.cambridgeshire.gov.uk>

Information Governance Team

OCT1224
Cambridgeshire County Council
Shire Hall
Cambridge
CB3 0AP

Telephone: 01223 699 137

THE NATIONAL YOUTH ADVOCACY SERVICE (NYAS)

Unit AA The Anderson Centre
Ermine Business Park
Spitfire Close
Huntingdon
PE29 6XY

Telephone: 0808 808 1001 (*Freephone from landlines. Calls from mobiles may be charged.*)
Email: help@nyas.net
Text: 07434 967 405
Website: www.nyas.net

THE LOCAL GOVERNMENT OMBUDSMAN

PO Box 4771
Coventry
CV4 0EH

Telephone: 03000 610 614 (*Calls to 03 numbers cost no more than calls to national geographic numbers starting 01 or 02.*)
Text: 'call back' to 07624 811 595
Fax: 02476 820 001
Website: www.lgo.org.uk

OFSTED

Piccadilly Gate
Store Street
Manchester
M1 2WD

Telephone: 03001 231 231
Email: enquiries@ofsted.gov.uk
Text: 60085
Website: www.ofsted.gov.uk

Health & Care Professions Council (HCPC)

Park House
184 Kennington Park Road
London
SE11 4BU

Telephone: 0800 328 4218 (*Freephone in the UK, contact the Fitness to Practice Department*)
Email: ftp@hcpc-uk.org
Website: www.HCPC-UK.org.uk